



Schools and Libraries Division

Administrator's Appeal Acknowledgement Letter
(Funding Year 2013: 07/01/2013-06/30/2014)

December 30, 2016

CC: 02-6

ACCEPTED/FILED

MAY 11 2017

Albert Pfeltz
Sun Wireless
13868 Little Creek Lane
Valley Center, CA 92082

Federal Communications Commission
Office of the Secretary

Subject: LEMON GROVE ELEMENTARY SCHOOL DISTRICT

Albert Pfeltz,

Universal Service Administrative Company has received your correspondence dated December 27, 2016, on December 27, 2016 regarding the FY 2013 funding decision of your FCC Form 471 Application Number(s) 884447 – FRN 2408430.

These are the steps that will now follow:

1. We will review your correspondence carefully to identify the specific issue(s) it raises.
2. We will consult the Program Integrity Assurance (PIA) records and all supporting documentation for the application. Our goal is to determine whether the program rules were administered appropriately in processing your application.
3. Once the review process is completed we will respond in writing and state whether your appeal is approved, denied or approved in part. A Revised Funding Commitment Decision Letter will follow for any approved appeal resulting in additional discounts for your application. Funds have been set aside to implement funding decisions for appeals approved by the USAC and/or the Federal Communications Commission.

We will perform an in-depth review of your appeal. Our goal is to respond to you as promptly as possible. We thank you in advance for your patience as we handle your appeal with the care and attention it deserves.

Universal Service Administrative Company

ALBERT PFELTZ

From: Appeals <appeals@sl.universalservice.org>
Sent: Friday, January 06, 2017 4:01 PM
To: ALBERT PFELTZ
Subject: Appeal

Thank you for submitting your correspondence by e-mail to the Schools & Libraries Division (SLD) of the Universal Service Administrative Company. This message serves as a receipt confirmation of your submission.

----- Confidentiality Notice: The information in this e-mail and any attachments thereto is intended for the named recipient(s) only . This e-mail, including any attachments, may contain information that is privileged and confidential and subject to legal restrictions and penalties regarding its unauthorized disclosure or other use. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action or inaction in reliance on the contents of this e-mail and any of its attachments is STRICTLY PROHIBITED. If you have received this e-mail in error, please immediately notify the sender via return e-mail; delete this e-mail and all attachments from your e-mail system and your computer system and network; and destroy any paper copies you may have in your possession. Thank you for your cooperation.

ALBERT PFELTZ

From: ALBERT PFELTZ
Sent: Friday, January 06, 2017 4:01 PM
To: 'Schools and Libraries Program Correspondence Unit'
Subject: Letter of Appeal
Attachments: Exhibits.pdf

1. Applicant or service provider who is filing the appeal (i.e. entity number, 498 ID, etc.):
Sun Microwave, Inc. dba Sun Wireless
SPIN 143024442
FRN 0013605241
2. Contact information including name, address, telephone number and e-mail address of the person who can discuss the appeal with USAC in detail:
Al Pfeltz
13868 Little Creek Lane
Valley Center, CA 92082
Office (760) 749-5770
Cell (760) 889-0778
Fax (760) 749-5790
al@sunmicrowave.com
3. Provide documentation of USAC's decision (i.e. copy of USAC's decision letter)
Exhibit 1 Lemon Grove's 471
Exhibit 2 Form 486 Commitment Report
4. Include supporting documentation such as forms and previous correspondence:
Exhibit 3 Melissa Brown Fax 2/28/14
Exhibit 4 Al Pfeltz Fax 2/28/14
Exhibit 5 Latest Invoice
Exhibit 6 Rejection Letter
5. Identify a problem and the reason for this appeal:
For the funding year 2013, Lemon Grove Elementary School District submitted a 471 (Exhibit 1) listing nine entities. Of those only seven had students. To support these entities, the District was requesting a funding of \$197,045.15 for Sun Microwave. When the funding was approved (Exhibit 2), the applicant's discount rate had been modified to just 81%; the District only received a commitment decision for \$190,007.82. Because of some invoicing problems, Melissa Brown send a fax (Exhibit 3) asking that we provide the cost allocation for seven sites. A return fax (Exhibit 4) was sent to

Melissa that same day. Now the problem started to materialize. We had always referred to one entity as Palm Middle School but it was listed as Palm Annex on the 471. Although we did provide service to that site, we learned that we were not eligible for funding primarily because there were no students at that location. The second misconception had to do with Lemon Grove Academy. We always considered that to be a single entity yet the 471 listed it as Lemon Grove Academy – Elementary and Lemon Grove Academy – Middle. Through January of 2014, we received \$111,443.37. Thereafter, we were unable to secure any compensation. The reason, we were told, was that Palm Annex was not funded and we should not receive payment for that site. Regardless, we had provided service to the other seven locations and the commitment letter stated that we were to receive \$190,007.82. On several occasions we attempted to ascertain how much money we were due without Palm Annex and could never obtain an answer. Consequently, on November 29, 2016, we invoiced using FCC Form 474 (Exhibit 5) for the \$78,574.45 we still show owing hoping to receive a favorable response without having to appeal to USAC. This invoice was rejected (Exhibit 6). Consequently, after almost three years in working through the SLD without getting this matter resolved, we must now appeal the situation.

6. Explain precisely the relief sought through this appeal:

We would like to receive the \$78,574.45 which makes up the balance of the original commitment.



Al Pfeltz

13868 Little Creek Lane

Valley Center, CA 92082

(760) 749-5770 {O}

(760) 889-0778 {M}

(760) 749-5790 {F}

C-7 License # 820709

www.sunmicrowave.com

Entity Number: 143624

Contact Person: Brittany Mosqueda

Applicant's Form Identifier: Yr17-Tel

Block 4: Discount Calculation Worksheet

Contact Phone Number:

The Block 4 worksheet is used to calculate your discount for services. You will complete one or more worksheets depending on the type of application you indicated in Block 1, Item 5. If you have more than one worksheet, please number the completed worksheets to assure that they are all processed correctly. Please refer to the instructions.

☐ Check here if this worksheet contains all eligible entities in the school district or library system

9a List entities and calculate discount(s):

School District or Library System Name:

1	2	3	4	5	6	7	8	9	10	11	12
Name of Eligible Entity	Entity Number AND NCES Code (for Schools) or FSCS Code (for Libraries)	Urban or Rural U or R	Total Number of Students	Number of Students Eligible for NSLP	Percent of Students Eligible for NSLP (Col. 5 / Col. 4)	Disc. from Disc. Matrix	New Construction	Admin Entity or NIF	Alt Disc Mech	Weighted Product for Calculating Shared Discount (Col. 4 x Col. 7)	Insert applicable codes: pre-K, H, Start, A, Educat, Juve, Justice, ESA, Dorm
ALL ENTITIES			SCHOOLS AND LIBRARIES							Schools with shared services	School
MOUNT VERNON ELEM SCHOOL	103742 06 21330 02552	U	547	396	72.395%	80	N	N	N	43760	
LEMON GROVE DISTRICT OFFICE	16062759	U	0	0	0.000%	84	N	N	N	0	
VISTA LA MESA ELEM SCHOOL	103722 06 21330 02556	U	746	551	73.861%	80	N	N	N	59680	
SAN MIGUEL ELEMENTARY SCHOOL	103738 06 21330 02555	U	615	491	79.837%	90	N	N	N	55350	
LEMON GROVE ACADEMY-MIDDLE	103740 06 21330 02550	U	723	521	72.061%	80	N	N	N	57840	
SAN ALTOS ELEMENTARY SCHOOL	103743 06 21330 02554	U	508	361	71.063%	80	N	N	N	40640	
MONTEREY HEIGHTS ELEM SCHOOL	103744 06 21330 02551	U	476	357	75.000%	90	N	N	N	42840	
LEMON GROVE ACADEMY-ELEM	103736 06 21330 02550	U	669	513	76.682%	90	N	N	N	60210	
PALM ANNEX	16078734	U	0	0	0.000%	84	N	Y	N	0	

9b Shared Services

SCHOOL DISTRICTS: (Including groups of schools within school districts.) Calculate the totals of Columns 4 and 11. Divide the total of Column 11 by the total of Column 4. Enter the result in Column 15.	4284									360320	
LIBRARY SYSTEMS: Calculate the total of Column 7. Divide this total by the number of outlets/branches. Enter the result in Column 15.											
CONSORTIA: Calculate the total of Column 14. Divide this total by the number of member entities. Enter the result in Column 15.											

Entity Number: 143624

Contact Person: Brittany Mosqueda

Applicant's Form Identifier: Yr17-Tel

Contact Phone Number:

Block 5: Discount Funding Request(s)

Instructions: Use one Block 5 page for EACH service (Funding Request Number) for which you are requesting discounts. Make as many copies of this page as needed, and number the completed pages to assure that they are all processed correctly.

Block 5, page 4

FRN 2584312

(to be a

- 10 ☐ If this is a duplicate Funding Request (e.g., of an FRN that is not yet approved, under appeal, etc.), check this box and enter the original FRN in the space provided:

11 Category of Service (only ONE category should be checked)**PRIORITY 1**☐ Telecommunications Service☒ Internet Access**PRIORITY 2**☐ Internal Connections Other than Basic Maintenance☐ Basic Maintenance of Internal Connections**12 Form 470 Application Number**

787930000786758

13 SPIN - Service Provider Identification Number

143024442

14 Service Provider Name

Sun Microwave, Inc

- 15a ☐ Check this box if this Funding Request is for non-contracted tariffed or month-to-month services.

15b Contract Number

IA

- 15c ☐ Check this box if this Funding Request is covered under a master contract (a contract negotiated by a third party, the terms and conditions of which are then made available to an eligible entity that purchases directly from the service provider).

- 15d ☒ Check this box if this Funding Request is a continuation of an FRN from a previous funding year based on a multi-year contract. If so, provide that FRN here: 2408430

16a Billing Account Number (e.g., billed telephone number)

- 16b ☐ Check this box if there are multiple Billing Account Numbers and attach a complete list of those numbers to this page.

17 Allowable Vendor Selection/Contract Date (mm/dd/yyyy) (based on Form 470 filing)

01/11/2010

18 Contract Award Date (mm/dd/yyyy)

01/27/2010

19 Service Start Date (mm/dd/yyyy)

07/01/2014

20a Service End Date (mm/dd/yyyy)**Contract Expiration Date**

20b (mm/dd/yyyy)

06/30/2015

- 21 Description of This Service: NOTE: All Item 21 Attachments must be filed before the close of the filing window.** You MUST attach a description of the service, including a breakdown of components, costs, manufacturer name, make and model n must include any additional account or telephone numbers if the billed account has multiple numbers. Label the description with an / Number, and note number in space provided.

22 Entity/Entities Receiving This Service:

- a. If the service is site-specific (provided to one site and not shared by others), list the Entity Number of the entity from Block 4 receiving this service:

23 Calculations**A. Monthly charges (total ar**

\$19,548.13

B. How much of the amount

\$0.00

Recurring Charges C. Eligible monthly pre-disc

\$19,548.13

D. Number of months servic

12

E. Annual pre-discount amo

\$234,577.56

F. Annual non-recurring cha

\$0.00

G. How much of the amount

\$0.00

Non-Recurring Charges**H. Annual eligible pre-disco minus G)**

\$0.00

I. Total funding year pre-dis

\$234,577.56

Total Charges**J. Discount from Block 4 Wc**

K. Funding Commitment Re \$197,045.15

(2)

FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT REPORT
(Funding Year 2013)

Service Provider Name: Sun Microwave, Inc
Service Provider Identification Number: 143024442

Funding Request Number: 2408430
Form 471 Application Number: 884447
Form 470 Application Number: 787930000786758
Name of 471 Applicant: LEMON GROVE ELEM SCHOOL DIST
Address of 471 Applicant: 8025 LINCOLN ST
Applicant City: LEMON GROVE
Applicant State: CA
Applicant Zip: 91945-2515
Entity Number:
Name of Contact Person: Nanette Rodriguez
Preferred Mode of Contact: E-MAIL
Contact Information: nrodriguez@infinitycomm.com
Name of Form 486 Contact Person: Nanette Rodriguez
Address of Form 486 Contact: PO Box 6069
City of Form 486 Contact: Bakersfield
State of Form 486 Contact: CA
Zip Code of Form 486 Contact: 93302
Telephone of Form 486 Contact: 661-716-1840
Fax of Form 486 Contact: 661-716-1841
E-mail Address of Form 486 Contact: nrodriguez@infinitycomm.com
Funding Year: 07/01/2013 - 06/30/2014
Contract Number: NA
Services Ordered: Internet Access
Billing Account Number:
Service Start Date: 07/01/2013
Contract Expiration Date: 06/30/2015
Total Program Year Pre-discount Amount: \$234,577.56
Applicant's Approved Discount Percentage: 81%
Funding Commitment Decision: \$190,007.82

3

Fax

To: **Al Pfeltz**
 Company:
 Subject: **FW: Invoices Needed for SLD Invoice**
 Date: **February 28, 2014 2:17:56 PM**

From: **Melissa.BROWN@sl.universalservice**
 Phone:
 Fax:
 Pages: 5

Hi Al,

Per our conversation, please send me the cost allocation for each site?

	SLD	L.G.	TOTAL
San Altos Elementary School	27,143.25	4,350.45	
Mount Vernon Elementary School	97		
Palm Middle School	97		
Lemon Grove Academy	97		
Vista La Mesa Elementary School	98		
San Miguel Elementary School	98		
Monterey Heights Elementary School	98		
	27,143.25	4,350.45	

Please provide this information to me as soon as possible within the next 2 calendar days (by End of Tuesday, March 4, 2014). Failure to do so may result in a reduction or rejection of the invoice, without further request. In this event, please ensure you have all necessary documents collected before resubmitting your request. If you have any questions, please contact me within this 2 day period.

Thank you for your cooperation and continued support of the Universal Service Program.

Melissa R. Brown
 Associate Manager, Invoicing
 30 Lanidex Plaza West | Parsippany, NJ 07054
 T: 973.581.5152 (F: 973.599.6539)
 Melissa.Brown@sl.universalservice.org<mailto:Melissa.Brown@sl.universalservice.org>

From: Al Pfeltz [mailto:apfeltz@sunmicrowave.com]
 Sent: Friday, February 07, 2014 10:05 AM
 To: Pauls, Patrick
 Subject: RE: Invoices Needed for SLD Invoice 1960813

The Internet Access service that Sun is providing to Lemon Grove Elementary School District should be considered a pipe of capacity

As a small company, it is impractical to bill on a monthly basis and a per school basis. We bill our customers annually. As a matter of fact Lemon Grove has already paid their portion of the 2013 - 2014 requirement.

I have also included a copy of the invoice originally submitted to SUSD and already paid by the District.

Please let me know if you have any further questions.

FCC Form 474

Do not write in this space.

Approved by OMB
OMB Control No. 3060 - 0856
Estimated time per response: 1.0 hourSchools and Libraries Universal Service
Service Provider Invoice FCC Form 474

Please read instructions before completing

Service Provider Form Identifier

16709

(Create an identifier for your own reference)

FCC Form 474 Invoice

2476215

(To be inserted by administrator)

Block 1: Service Provider Information

1. Service Provider Name Sun Microwave, Inc.
2. Service Provider Identification Number (SPIN) 143024442
3. Contact Person's Name Al Pfeltz
4. Contact Telephone Number Area Code: 760 Phone Number: 7495770 Ext.
- Contact Fax Number Area Code: 760 Fax Number: 7495790
- Contact Email Address al@sunmicrowave.com
5. Total Invoice Amount (total of Block 2, Column 13) 78574.45

Page 1 of 4

FCC Form 474

July 2016

143024442|Sun Microwave,
Inc.|al@sunmicrowave.com|usacstatement@universalservice.org|1|\$0.00|Schools And Libraries|As of December 01, 2016
SPI|143024442|16709|2408430|"SLD Invoice Number:2476215;Line Item Detail
Number:8305331;Amount Requested:78574.45;Invoice Received Date
[11/29/2016] Later Than FCC Extension Date [02/20/2015];80;"|062014|\$0.00

Your Total Actual Disbursement: \$0.00.

Al Pfeltz
Sun Wireless
13868 Little Creek Lane
Valley Center, CA 92082

Billed Entity Number: 143624
Form 471 Application Number: 884447
Form 486 Application Number:



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2013-2014

March 06, 2017

Al Pfeltz
Sun Wireless
13868 Little Creek Lane
Valley Center, CA 92082

Re: Applicant Name: LEMON GROVE ELEM SCHOOL DIST
Billed Entity Number: 143624
Form 471 Application Number: 884447
Funding Request Number(s): 2408430
Your Correspondence Dated: December 27, 2016

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Remittance Statement, a notification of Schools and Libraries Program payments to the service provider, for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2408430
Decision on Appeal: **Denied**
Explanation:

- Invoices must be postmarked no later than 120 days after the last date to receive service, or 120 days after the date of the Form 486 Notification Letter, whichever is later. You did not demonstrate otherwise in your appeal. Therefore, your appeal is denied.

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference

Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Summary

Lemon Grove Elementary School District was awarded a commitment totaling \$190,007.82 for Funding Year 2013. We anticipated that the service we were providing to seven sites was covered by this money. Later we learned that one of the schools did not have any students and did not qualify for E-Rate Funding.

After receiving USAC funds totally \$111,443.37, we could not procure any further money. We tried for months to secure an answer to one question. If one school does not qualify for funding, how much money is still available for Sun to procure as compensation for providing services to all the other school? We never could contain an answer and every invoice we submitted was denied.

Back in November we submitted an invoice for \$78,574.45. This was the balance owed if Palm Middle School were eligible. We had hoped that if this were not accepted, we could at least receive the balance of the funds owed. We calculated this to be \$51,420.48.

We provided the services to Lemon Grove Elementary School District. The District acknowledged this fact by paying its required amount. We are just attempting to receive compensation for the services provided.